Exemption No. 6802A
June 27, 2000 Regulatory Docket No. 29861

Mr. Robert R. Rice
Executive Director
Confederate Air Force, Inc.
P.O. Box 62000
Midland, TX 79711-2000

Mr. Eric Van Hoff
Director of Maintenance/Operations
Confederate Air Force, Inc.
P.O. Box 62000
Midland, TX 79711-2000

Dear Mr. Rice and Mr. Van Hoff:

By Mr. Robert R. Rice's letter dated November 30, 1999, Mr. John Wilson's electronic mail message dated May 11, 1999, and letter dated January 5, 2000, and Mr. Eric Van Hoff's supplemental information dated March 15, 2000, and April 14, 2000, the Confederate Air Force, Inc. (CAF), petitioned the Federal Aviation Administration (FAA) for an extension of and amendment to Exemption No. 6802. That exemption from Sections 91.315, 91.319(a), 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR) allows CAF to operate its fleet of former military airplanes that hold either a limited airworthiness certificate or an experimental airworthiness certificate for the carriage of passengers on local educational flights for compensation or hire. The amendment Mr. Wilson requests would delete the second-in-command (SIC) requirements for CAF's Curtiss Wright SB2C (SB2C), Douglas SBD (SBD), Grumman TBM (TBM), and North American P-51 (P-51) airplanes because they are operated with a single pilot crew. Mr. Rice requests that CAF be provided relief to operate additional airplanes that hold standard airworthiness certificates without meeting certain drug and alcohol testing requirements.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of, and amendment to, the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to CAF.

It is the FAA's policy that the regulatory scheme is in place to ensure that those who participate in aviation are held to appropriate safety standards. Therefore, an exemption from aviation safety regulations is not granted routinely if the proposed operation can be performed in full compliance with the regulations.

The FAA has determined that preserving U.S. aircraft is in the public interest in the same manner that preserving historic buildings, landmarks, and neighborhoods has been determined to be in the public interest. While aviation history can be

represented with static displays and in museums in the same manner that historic landmarks can be represented in museums, the public has shown a willingness to support the preservation and operation of U.S. vintage military aircraft and a desire to experience flights in these historic aircraft.

In granting relief to operators of U.S.-manufactured, World War II era vintage aircraft that hold limited or experimental airworthiness certificates, the FAA recognized that the only way for a person to experience the flight characteristics of these airplanes is to be able to fly in the actual airplane. No airplanes that hold standard airworthiness certificates could replicate the experience. However, if the FAA determined the flight operation could be accomplished by an aircraft that holds a standard airworthiness certificate, the request for exemption was denied.

Additionally, the FAA points out that it is the unique aspect of protecting and preserving the flight experience in U.S. military World War II vintage airplanes that differentiates Exemption No. 6802 from CAF's request for exemption for aircraft with standard airworthiness certificates. In CAF's case, if the history and experience of flight in its military World War II airplanes could be accomplished in a standard airworthiness category aircraft, then there would have been no compelling reason to grant Exemption No. 6802.

Therefore, the FAA has determined that if CAF wishes to provide flight experiences to its members or the general public in aircraft with standard airworthiness certificates, it may do so provided CAF complies with the operating requirements of 14 CFR part 121 or 14 CFR part 135, as applicable. However, the FAA notes that certain aircraft listed in CAF's November 30, 1999, petition that hold limited or experimental airworthiness certificates can be operated under Exemption No. 6802. The list of aircraft authorized to be operated under this exemption will be changed to include these aircraft.

Additionally, the FAA discovered that it had authorized CAF erroneously to operate the Heinkel He 111 (He 111) and the Junkers Ju 52 (Ju 52) airplanes under its existing grant of exemption. The He 111 and the Ju 52 airplanes are not U.S.-manufactured former military airplanes and should not have been included in the grant of exemption. The original intent of Exemption No. 6802 was to provide flight experiences in U.S. military World War II vintage airplanes. Therefore, the FAA is removing these airplanes from Exemption No. 6802. Furthermore, CAF's request to add additional aircraft makes and models that are not U.S.-manufactured, former military aircraft, or that hold standard airworthiness certificates is beyond the scope of this grant of exemption and is therefore denied.

The FAA agrees with CAF's argument that the SIC requirements for

CAF's P-51, SB2C, SBD, and TBM airplanes, which require only one pilot flight crewmember, are unnecessary and should be eliminated. Consequently, the SIC requirements will be changed to reflect that they are applicable only to those airplanes certificated for more than one pilot.

The FAA has determined that the justification for the issuance of Exemption No. 6802 remains valid with respect to this exemption.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), Exemption No. 6802 is hereby amended by (1) revising the list of aircraft authorized to be operated to include the following: Aeronca L-3S, Beech C-45, Boeing PT-17, Consolidated Vultee BT-13, Consolidated Vultee PBY-5A, Convair BT-13A, Douglas B-23, Fairchild PT-26, Lockheed P-38, Lockheed PV-2, Lockheed T-33, North American AT-6, North American BT-14, North American P-82, North American SNJ-5, Ryan PT-22, and the Stinson L-5 airplanes; (2) removing the He 111 and Ju 52 from the list of aircraft authorized to be operated; (3) revising condition Nos. 3 and 8 to eliminate the SIC requirements for those airplanes certificated for only one pilot; (4) adding condition Nos. 19 and 20; and (5) extending its June 30, 2000, termination date to June 30, 2002, unless sooner superseded or rescinded.

All other conditions and limitations of Exemption No. 6802, as amended, remain the same. For clarity all conditions and limitations have been restated below.

1. CAF must maintain its fleet of former U.S. military airplanes being used in this grant of exemption, in accordance with the -

   a. Maintenance requirements as specified in the specific make and model type specification sheet, as amended;

   b. FAA-approved maintenance inspection program that meets the requirements of Section 91.409; and

   c. Specific make and model technical manuals.

2. The pilot in command (PIC) must -

   a. Hold at least a commercial pilot certificate with a category and class rating representative of that military vintage airplane, an airplane instrument rating, and a type rating in that specific make and model of airplane, if appropriate;

   b. Have completed CAF's specific make and model of airplane qualification and recurrent flight and ground training program within the previous 12 calendar months;

c. Have at least a total of 2,500 hours of aeronautical flight experience, 1,000 hours of aeronautical flight experience in the category and class of military vintage airplane, and 25 hours in the specific make and model of airplane or have at least a total of 1,000 hours of aeronautical flight experience, 200 hours of aeronautical flight experience in the category and class of military vintage airplane, and 100 hours and 50 takeoffs and 50 landings in the specific make and model of airplane; and

d. Have accomplished 3 takeoffs and 3 landings to a full stop in the specific make and model of airplane, within the previous 90 days before serving as PIC.

3. For those aircraft that require an SIC, the SIC must -

a. Hold at least a commercial pilot certificate with a category and class rating representative of that military vintage airplane and hold an airplane instrument rating;

b. Have completed CAF's specific make and model qualification and recurrent flight and ground training program within the previous 12 calendar months;

c. Have at least a total of 1,500 hours of aeronautical flight experience, 250 hours of aeronautical flight experience in the category and class of military vintage airplane or have at least a total of 500 hours of aeronautical flight experience, 100 hours of aeronautical flight experience in the category and class of military vintage airplane, and 25 hours and 10 takeoffs and 10 landings in the specific make and model of airplane; and

d. Have accomplished 3 takeoffs and 3 landings to a full stop in the specific make and model of airplane, within the previous 90 days before serving as SIC.

4. CAF must develop and maintain a written qualification and recurrent ground training program for its PICs and SICs that covers the training subjects listed below. Each PIC and SIC must receive the following training and iterations of training within the previous 12 calendar months prior to serving in an PIC or SIC position for the specific make and model of airplane:

REQUIRED TRAINING TASKS	ITERATIONS
a. General information and description of the airplane;	1
b. Aircraft limitations;	1

c. Aircraft servicing;	1
d. Airspeeds;	1
e. Fuel system;	1
f. Electrical system;	1
g. Hydraulic system;	1
h. Engines;	1
i. Instruments and avionics;	1
j. Landing gear, brakes, controls, and flaps systems;	1
k. Propeller;	1
l. Emergency procedures, including -	1
(i) Instruction in emergency assignments and procedures, including coordination among crewmembers;	1
(ii) Individual instruction in the location, function, and operation of emergency equipment, including -	1
A. First aid equipment and its proper use; and	1
B. Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires;	1
(iii) Instruction in the handling of emergency situations, including -	1
A. Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas; and	1
B. Illness, injury, or other abnormal situations involving passengers or crewmembers;	1
m. Weight and balance;	1
n. Performance planning; and	1
o. Airplane's checklist.	1

5. CAF must develop and maintain a written qualification and

recurrent flight training program for its PICs that covers the areas of operations, tasks, and iterations as listed in the following table of training tasks. Each PIC must accomplish this training before being assigned PIC responsibilities and duties. Each PIC must receive the following training and iterations of training within the previous 12 calendar months prior to serving in a PIC position for the specific make and model of airplane:

REQUIRED TRAINING TASKS	ITERATIONS
a. Preflight Preparation	1
(i) Aircraft exam (oral or written)	1
(ii) Aircraft performance & limitations (oral or written)	1
b. Ground Operations	4
(i) Preflight inspection	4
(ii) Cockpit resource management	4
(iii) Powerplant start procedures	4
(iv) Taxiing	4
(v) Pre-takeoff checks	4
c. Takeoffs & Departures	3
(i) Normal & crosswind takeoffs	3 within the previous 90 days
(ii) Powerplant failure	3
(iii) Rejected takeoffs	3
d. Inflight Maneuvers	4
(i) Steep turns	4
(ii) Approach to stalls	4
(iii) Powerplant failure	4
(iv) Specific flight characteristics	4
e. Landings & Approaches to Landing	3

(i) Normal & crosswind approaches & landing	3 within the previous 90 days
(ii) Maneuvering to a landing with a simulated powerplant failure	3
(iii) Rejected landing	3
(iv) Landing from a no flap or a nonstandard flap approach	3
f. Normal & Abnormal Procedures	3
(i) Powerplant	3
(ii) Fuel system	3
(iii) Electrical system	3
(iv) Hydraulic system	3
(v) Environmental & pressurization system (as appropriate and if equipped)	3
(vi) Fire detection & extinguishing system	3
(vii) Navigation & avionics system	3
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)	3
(ix) Flight Control System	3
(x) Anti-ice & de-ice System	3
(xi) Aircraft & personal emergency equipment	3
g. Emergency Procedures	2
(i) Inflight fire & smoke removal	2
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)	2
(iii) Emergency descent	2
(iv) Ditching	2
(v) Emergency Evacuation	2
h. Postflight Procedures	

(i) After landing procedures	4
(ii) Parking and securing aircraft	4

6. CAF must develop and maintain a written qualification and recurrent flight training program for its SICs that covers the areas of operations, tasks, and iterations as listed in the following table of training tasks. Each SIC must accomplish this training before being assigned SIC responsibilities and duties. Each SIC must receive the following training and iterations of training within the previous 12 calendar months prior to serving in an SIC position for the specific make and model of airplane:

REQUIRED TRAINING TASKS	ITERATIONS
a. Operational procedures applicable to the powerplant, equipment, and systems.	1
b. Performance specifications and limitations.	1
c. Normal, abnormal, and emergency operating procedures.	1
d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls.	3 in the previous 90 days
e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC.	1
f. Crew resource management training.	1
g. Familiarization with the aircraft flight manual, placards, and markings.	1

7. Each PIC must accomplish a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial and recurrent qualification training program) that covers the areas of operations and tasks listed below that are identified in the following "REQUIRED TESTING TASKS" table. Each PIC must be found competent and proficient by the San Antonio Flight Standards District Office (FSDO), SW17, [10100 Reunion Place, Suite 200, San Antonio, TX 78216-4118; (210) 308-3300] or by a procedure that has been approved by the San Antonio FSDO, SW17, on those areas of operation and tasks before being assigned PIC duties and responsibilities for the specific make and model of airplane:

REQUIRED TRAINING TASKS	ITERATIONS
a. Preflight Preparation	
(i) Aircraft exam (oral or written)	1
(ii) Aircraft performance & limitations (oral or written)	1
b. Ground Operations	
(i) Preflight inspection	1
(ii) Cockpit resource management	1
(iii) Powerplant start procedures	1
(iv) Taxiing	1
(v) Pre-takeoff checks	1
c. Takeoffs & Departures	
(i) Normal & crosswind takeoffs	1
(ii) Powerplant failure	1
(iii) Rejected takeoffs	1
d. Inflight Maneuvers	
(i) Steep turns	1
(ii) Approach to stalls	1
(iii) Powerplant failure	1
(iv) Specific flight characteristics	1
e. Landings & Approaches to Landing	
(i) Normal & crosswind approaches & landing	1
(ii) Maneuvering to a landing with a simulated powerplant failure	1
(iii) Rejected landing	1
(iv) Landing from a no flap or a nonstandard flap approach	1
f. Normal & Abnormal Procedures	

(i) Powerplant	1
(ii) Fuel system	1
(iii) Electrical system	1
(iv) Hydraulic system	1
(v) Environmental & pressurization system (as appropriate and if equipped)	1
(vi) Fire detection & extinguishing system	1
(vii) Navigation & avionics system	1
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)	1
(ix) Flight Control System	1
(x) Anti-ice & de-ice System	1
(xi) Aircraft & personal emergency equipment	1
g. Emergency Procedures	
(i) Inflight fire & smoke removal	1
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)	1
(iii) Emergency descent	1
(iv) Ditching	1
(v) Emergency Evacuation	1
h. Postflight Procedures	
(i) After landing procedures	1
(ii) Parking and securing aircraft	1

8. Each SIC must accomplish a proficiency practical test upon completion of the initial qualification training program and upon completion of the recurrent training program (every 12 calendar months after completion of the initial and recurrent qualification training program) that covers the areas of operations and tasks listed below that are identified in the following "REQUIRED TESTING TASKS" table. Each SIC must be found competent and proficient by the San Antonio FSDO, SW17, (or by a

procedure that has been approved by the San Antonio FSDO, SW17,) on those areas of operation and tasks before being assigned SIC duties and responsibilities for the specific make and model of airplane:

REQUIRED TRAINING TASKS	ITERATIONS
a. Operational procedures applicable to the powerplant, equipment, and systems.	1
b. Performance specifications and limitations.	1
c. Normal, abnormal, and emergency operating procedures.	1
d. Three takeoffs and three landings to a full stop as the sole manipulator of the flight controls.	1
e. Engine-out procedures and maneuvering with an engine out while executing the duties of PIC.	1
f. Crew resource management training.	1
g. Familiarization with the aircraft flight manual, placards, and markings.	1

9. CAF's qualification and recurrent ground and flight training programs listed in Condition Nos. 4, 5, and 6, as appropriate, must be made available to the San Antonio Flight Standards District Office (FSDO), SW17, upon request.

10. CAF must have the services of an FAA-certificated airframe and powerplant mechanic or an appropriately rated repair station available at all stopovers to perform all required maintenance inspections and repairs.

11. CAF will maintain the following information and records and will make those records available for the FAA to review when requested:

a. The name of each pilot crewmember CAF authorizes to conduct flight operations in its airplanes under the terms of this exemption;

b. Copies of each PIC's and SIC's pilot certificate, medical certificate, initial qualification, and training documentation to comply with condition Nos. 2 and 3 of this exemption;

c. Records of maintenance performed and maintenance

inspection records to comply with condition No. 1 of this exemption; and

d. A listing of any incident, accident, or mechanical failure of the airframe, propellers, or engine(s) that occur during the time period for which this exemption is valid. That listing will include the date of the incident, accident, or failure; all information on the possible cause factors; and extent of injuries sustained, if any.

12. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, CAF will inform that person that its airplanes hold a limited airworthiness certificate or experimental airworthiness certificate, as appropriate; about the significance of the airworthiness certificate as compared to a standard airworthiness certificate; and that the FAA has authorized this flight under a grant of exemption from the requirements of Sections 91.315, 91.319(a), 119.5(g), and 119.21(a). The explanation of the significance of a limited airworthiness certificate or experimental airworthiness certificate, as appropriate, compared to a standard airworthiness certificate must include at least the following information:

a. The FAA has not established nor has it approved limited or experimental category airworthiness certificated aircraft manufacturing standards. In contrast, standard category airworthiness certificated aircraft are manufactured to FAA-approved standards, including standards addressing the design of the aircraft and life-limited parts.

b. Limited category airworthiness certificated aircraft are issued when the FAA finds the aircraft -

(i) Previously has been issued a limited category type certificate and the aircraft conforms to that type certificate; and

(ii) Is in a good state of preservation and repair and is in a safe operating condition.

c. An aircraft may be issued an experimental airworthiness certificate when the -

(i) Builder of the airplane submits a statement that sets forth the purpose for which the aircraft is to be used;

(ii) Builder of the airplane submits enough data to identify the aircraft;

(iii) Builder of the airplane submits information found necessary to safeguard the public; and

(iv) FAA finds the fabrication and assembling of the

airplane complies with acceptable aeronautical standards and practices.

d. Standard category airworthiness certificates are issued for an aircraft when the FAA finds the -

(i) Aircraft has been built and maintained in accordance with that aircraft's type certification standards as established by the FAA; and

(ii) Aircraft's inspection and maintenance requirements are in compliance with the applicable regulations.

13. All flight operations must be conducted -

a. At a minimum operating altitude of not less than 1,000 feet above ground level (AGL);

b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;

c. With a minimum flight visibility of not less than 5 statute miles;

d. With a minimum ceiling of not less than 2,000 feet AGL;

e. Within a 50-nautical-mile radius of the departure airport with landing permitted only at that departure airport; and

f. At an airport that has a fire station or firefighting services available.

14. No persons other than the assigned flight crewmembers may be permitted on the flight deck of the airplane during flight operations.

15. Except for essential crewmembers, all flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the aircraft.

16. Except for an emergency locator transmitter, CAF's airplanes must have the equipment listed in Section 91.205(b), and that equipment must be in an operable condition during the flight.

17. If the airplane is to be operated over water and beyond the power-off gliding distance from shore, CAF's airplanes must have the equipment listed in Section 91.205(b)(11), and that equipment must be in an operable condition during the flight.

18. CAF must hold and continue to hold a determination from the Internal Revenue Service that it is a Section 501(c)(3)

nonprofit, tax-exempt, charitable organization under Sections 170(b)(1)(A)(vi) and 509(a)(1) of the Internal Revenue Code.

19. The following CAF single pilot airplanes need not comply with the SIC requirements of this exemption: P-51, SB2C SBD, and TBM.

20. The CAF can operate only the following U.S.-manufactured former military airplanes:

Aeronca L-3S	Douglas SBD
Beech C-45	Fairchild PT-26
Boeing B-17	Grumman TBM
Boeing B-29	Lockheed P-38
Boeing PT-17	Lockheed PV-2
Consolidated Vultee B-24	Lockheed T-33
Consolidated Vultee BT-13	North American AT-6
Consolidated Vultee PBY-5A	North American B-25
Consolidated Vultee PBY-6A	North American BT-14
Convair BT-13A	North American P-51
Curtiss Wright C-46	North American P-82
Curtiss Wright SB2C	North American SNJ-5
Douglas A-26	Ryan PT-22
Douglas B-23	Stinson L-5

This letter shall be attached to, and is a part of, Exemption No. 6802, which expires June 30, 2002.

Sincerely,

/s/ L. Nicholas Lacey
Director, Flight Standards Service